

# TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1201 SPR



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**Project Name:** 179<sup>th</sup> STREET APARTMENTS

**Case Number:** PSR2009-00040; SEP2009-00081; EVR2009-00043; HAB2009-00072

**Location:** 1705 NE 179<sup>th</sup> Street

**Request:** The applicant is requesting site plan approval to construct 115 apartment units in two phases located on 6.99 acres in the R-18 zone.

**Applicant:** Myhre Group Architects Inc.  
Philip Stewart  
700 SW Taylor, Suite 400  
Portland, OR 97205  
(503)236-6000; (503)236-7500 fax  
[Phillips@myhregroup.com](mailto:Phillips@myhregroup.com)

**Contact Person:** Same as applicant

**Property Owner:** SFG Properties, LLC  
Greg Elderkin  
1239 120<sup>th</sup> Avenue NE, Suite I  
Bellevue, Washington 98005

## DECISION

**Approve subject to Conditions of Approval**

**Team Leader's Initials:** ATG **Date Issued:** January 7, 2010

**County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
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<b>Fire Marshal Office</b>	Tom Scott	3323	tom.scott@clark.wa.gov

**Comp Plan Designation:** Urban Medium (UM)

**Parcel Number(s):** Tax lot 64 (181956-000) located in the Northwest quarter of Section 14, Township 3 North, Range 1 East of the W.M.

**Applicable Laws:**

Clark County Code (CCC) 15.12 (Fire Prevention), 40.220.020 (Residential Districts), 40.260.150 (Multi-family Outdoor Recreation Area Standards), 40.320 (Landscaping), 40.330 (Crime Prevention & Safety), 40.340 (Parking), 40.350 (Transportation), 40.360 (Solid Waste and Recycling), 40.370 (Sewer & Water), 40.380 (Stormwater & Erosion Control), 40.500 (Procedures), 40.510.020 (Type II Process), 40.520.040 (Site Plan Review), 40.550.010 (Road Modifications), 40.570 (SEPA), 40.610, 40.620 (Impact Fees) and Subtitle 40.4 (Critical Areas).

**Neighborhood Association/Contact:**

Fairgrounds Neighborhood Association  
Bridget Schwarz, President  
2110 NW 179 Street, Ridgefield, WA 98642  
573-5873 E-mail: [bridget@bridge-i-t.com](mailto:bridget@bridge-i-t.com)

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 9, 2009. The pre-application was determined to be contingently vested as of March 18, 2009 (i.e., the date the fully complete pre-application was submitted)].

The fully complete application was submitted on September 17, 2009 and determined to be fully complete on October 30, 2009. Given these facts the application is vested on March 18, 2009.

There are no disputes regarding vesting.

**Time Limits:**

The application was determined to be fully complete on August 4, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on January 9, 2010. The State requirement for issuing a decision within 120 calendar days, lapses on February 20, 2009.

**Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Fairgrounds Neighborhood Association and property owners within 300 feet of the site on November 6, 2009.

**Public Comments:**

There were no public comments on this proposal.

**Project Overview**

The site is located on the south side of NE 179<sup>th</sup> Street about 200 feet east of NE 15<sup>th</sup> Avenue and adjacent to a County stormwater facility. There is an existing boarded up house with the address of 1705 NE 179<sup>th</sup> Street and a small shed currently on the site. Both of these will be removed with the development. The property forms an "L" shape with the top of the "L" being at 179<sup>th</sup> Street. The area to be developed on the site is covered with pasture grasses. Most of the area that forms the bottom of the "L", about 83,200 square feet, contains Whipple Creek and Urban Natural Open Space and will remain undeveloped except for a walking trail and will be protected by a conservation covenant. The property was previously used for grazing horses and rural residential.

The applicant proposes to construct 115 apartment units on the site in two (2) phases. Phase 1 is proposed to be 94 units and phase 2 is proposed to be 21 units. The buildings will be two and three stories tall with the tallest being 35 feet in height. A clubhouse and swimming pool will be constructed with phase 1 of the development.

In phase 2 a new road along the south side of the development is proposed for cross circulation and to provide access for this and other properties as they develop.

#### Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UM	R-18	Vacant single family residence
North	UL	UH-20	Residential and vacant land
East	UM	R-18	Residential and open space
South	UM	R-18	Vacant land
West	GC	GC	Vacant land

#### Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

#### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

## LAND USE:

### Finding 1 – Zoning

This 6.72 acre parcel is situated within an R-18 zoning district. Pursuant to Table 40.220.020-1, "multifamily dwellings" are permitted subject to both site plan approval and special standards contained in CCC 40.260.150.

### Finding #2 – Maximum density

CCC 40.220.020, 2,d requires that maximum density be calculated based upon the gross area of the site, excluding public right-of-way or street easements. The habitat area is included in the area for this calculation.

For the entire site that would be 6.41 acres or 279,286 square feet. So 6.41 acres times 18 means a maximum of 115 units could be built on the property.

The applicant proposes to construct 94 units with the first phase and 21 units in the second phase which meets the requirements for maximum density.

### Finding 4 – Setbacks

Per Table 40.220.020-3, the applicable setbacks are as follows:

Front:	20 feet
Interior Sides:	10 feet
Rear:	20 feet

According to the revised site plan (Exhibit 13, sheet A1.1), all structures on the preliminary site plan meet the above setback requirements.

### Finding #3 – Lot Coverage and Building Height

Maximum lot coverage in an R-18 zone is fifty percent (50%). Based on scale, the site plan [Exhibit 13, sheet A.1] shows that the building foot prints total 62,775 square feet. As a result, the lot coverage for this 6.41 acre parcel (279,286 square feet) is 22.5%.

Maximum building height allowed in the zoning district is 35 feet. Based on a review of building elevations provided with the application materials [Exhibit 13, Sheet A3.0], the maximum height of the proposed structures is slightly less than 35'.

### Finding #4 – Off-Street Parking

Minimum required parking spaces are set forth in Table 40.340.010-4. For apartment units, the rate is 1.5 spaces per dwelling unit. Using this formula and 115 units, a total of 173 parking spaces are required for this development. The revised plan shows the requisite number of parking stalls.

Accessible parking spaces shall be provided in compliance with the Americans with Disability Act (ADA). Based on 36 garage spaces, 1 of them must be accessible and for the 150 open spaces, 3 are needed. The plan shows the necessary accessible spaces

for the open spaces but none for the garage spaces. This will need to be revised on the final site plan. (See Condition A-1-b)

Per CCC 40.340.010(A)(10), parking spaces on the perimeter of a parking lot or abutting landscaped areas or sidewalks shall include a wheel stop or curb at least 4 inches high located 3 feet back from the front of the parking space. The front 3 feet of the parking space may be improved with groundcover landscape material, instead of asphalt or concrete pavement. Based on a review of the revised plan (Exhibit 13, Sheet A1.1 and L1.0), it is unclear whether the requirement for wheel stops is being met. A condition will, therefore, be imposed to ensure compliance with this code provision. (See Condition A-1-c)

#### Finding #5 – Landscaping

CCC 40.220.020(C)(2)(c)(5) requires that a minimum of twenty percent (20%) of the site be landscaped. The revised landscape plan (Exhibit 13, Sheet L1.1) indicates that approximately forty-two percent (42%) of the site is devoted to landscaping.

CCC 40.320.010(D)(2) specifies that rooftop and ground-level exterior equipment shall be screened from an abutting property used or zoned for residential uses or from an public road right-of-way to at least an F2 or L3 standard. Based on the submitted building elevations (Exhibit 13, Sheet A3.0), it does not appear that there will be any roof equipment associated with the proposed development. It is unknown at this time, however, whether or not there will be any ground equipment. A condition will, therefore, be imposed to ensure all exterior equipment is screened to meet this requirement. (See Condition A-2-b)

Parking areas that contain at least seven (7) spaces shall contain landscape islands equally distributed at a ratio of one (1) island for every seven (7) parking spaces. A landscape island shall contain at least twenty-five (25) square feet, shall be at least four (4) feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb. At least one (1) tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of thirty (30) feet or more, cast moderate to dense shade in the summer and live at least sixty (60) years, require little maintenance and be suited for use in the proposed location. This site, with 186 parking spaces, requires 27 landscape islands. The submitted landscape plan (Exhibit 13, sheet L1.0) shows only 26 islands. The final site plan will need to be modified to show the prerequisite number of parking islands and plantings. (See Condition A-2-c)

#### Finding #6 – Landscape Buffers

In accordance with Table 40.320.010-1, the following perimeter landscaping scheme is required:

North: L2 landscaped 10-foot buffer  
East: L3 landscaped 5-foot buffer  
West: L1 landscaped 5-foot buffer  
South: L1 landscaped 5-foot buffer

The L1 standard consists principally of groundcover plants; trees and high and low shrubs also are required. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area.

The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. A three (3) foot high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high wall or fence that complies with an F1 or F2 standard with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required.

The submitted landscape plan shows the correct landscaping.

The applicant shall install landscaping according to the approved landscape plan prior to being issued an occupancy permit for any of the buildings. The applicant has indicated that the irrigation plan will be designed by the landscaping contractor. A letter from a licensed landscape architect must be provided which verifies that the required landscaping has been installed in compliance with the approved landscape plan. (See Conditions F-1-a and F-1-b)

#### Finding #7 – Arterial Landscaping

CCC 40.320.020, H, 1 requires that on all arterials and collectors in the urban area, the area between the back of sidewalk and the right-of-way and between the back of curb and sidewalk, as well as the area within all medians constructed within a public road, shall be landscaped with drought-resistant plants as show in the standard details. NE 179<sup>th</sup> Street is an urban principal arterial therefore, this landscaping is required. The applicant did not submit a landscape plan for this area. A landscape plan meeting the requirement of CCC 40.320.020, H, 1 will need to be submitted prior to final site plan approval. (See Condtion A-2-d)

#### Finding #8 – Recreation Space

Pursuant to CCC Section 40.260.150, multi-family developments containing twelve (12) or more residential units are required to provide recreation area. The required area includes:

- Each ground-level residential living unit shall have an outdoor private area containing at least forty-eight (48) square feet and a width of at least four (4) feet. Such outdoor areas shall be screened from other residential units, abutting land uses, and public or private streets to the extent practicable;
- Usable recreation space shall be provided in residential development for the shared or common use of all residents in the following amounts: Studio size up to and including two-bedroom units, two hundred (200) square feet per unit; and for three or more bedroom units, three hundred (300) square feet per unit.

The revised site plan [Exhibit 13, sheet A1.0 and A2.0, building elevations (Exhibit 13, Sheet A3.0), and unit plans (Exhibit 13, Sheet A2.0) show the necessary outdoor private areas for each individual apartment unit.

The applicant is proposing to construct one hundred and fifteen (115) units, all 1 and 2 bedroom apartments. Based on the above formula, 23,000 square feet of usable recreation space is required for this development. The revised site plan identifies a trail within a portion of the habitat conservation area, 2,592 square foot clubhouse and pool and a large open space in the rear of the project. Additionally there will be small areas of grass with benches that, added together, meets the standard for size of recreation area.

By definition, recreation space means “an area that shall be improved for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.” The submitted application materials do not indicate what amenities will be provided within the 2,315 and 11,645 square foot recreation area besides a bench. This will need to be corrected on the final site plan. In addition, these areas will need to be ADA accessible. (See Condition A-1-d)

#### Finding #9 – Pedestrian Routes

CCC 40.220.020(C)(7) specifies that in the R-18 zone safe pedestrian routes, including sidewalks and other planning features, shall be provided for students who only walk to and from school.

At the present time, students residing within this development will attend South Ridge Elementary School, View Ridge Middle School and Ridgefield High School. The applicant's traffic study indicates that they have discussed this with the school district and the students will be bussed to school. However, documentation from the school district will be required to be submit as a part of final site plan approval. (See Condition A-4)

#### Finding #10 – Solid Waste and Recycling Standards

New multi-family residential buildings which contain five (5) or more units shall meet the requirements of CCC 40.360.020. Specifically, multi-unit residential buildings containing



five (5) to ten (10) units shall provide a minimum storage area of fifty (50) square feet. Buildings containing more than ten (10) residential units shall provide an additional five (5) square feet per unit for each unit above ten (10).

Using the above formulas, the development is required to provide 565 square feet of solid waste storage area for both phases; 520 square feet for phase 1. The trash enclosures shown on the revised site plan (Exhibit 13, sheet A1.1) show 496 square feet however the applicant indicates that each walled in site will be 200 square feet with the recycling added and that would meet the standard. The final site plan will need to be modified to show that this standard is met. (See Condition A-1-e)

Provisions of CCC 40.360.030(B)(3) require exterior storage areas to be enclosed by a screen to at least an F2 standard. A fence or wall may be made of wood, metal, bricks, masonry or other permanent materials. This shall not include chain link fences with slats or similar construction. The narrative indicates that the solid waste areas will be enclosed by either a block wall or tight-board fencing. The submitted plans, however, do not include specifications on the trash enclosure. A condition will, therefore, be imposed to ensure compliance with this requirement is satisfied. (See Condition A-2-b)

#### Finding #11– Existing Residence

It is the applicant's intention to remove the existing residence from the premises prior to construction of the apartment complex. A condition will be imposed to ensure this building is removed, with the necessary permits (See Conditions A-3 and B-1-c). As part of the demolition permit, compliance with all applicable asbestos inspection and control regulation in accordance with procedures of the Southwest Clean Air Agency is required.

#### **Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

#### **ARCHAEOLOGY:**

The applicant has submitted an archaeological pre-determination to the State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application.

The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. (See Condition A-1-a)

#### **Conclusion (Archaeology):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

## **HABITAT:**

### **Finding 1: Stream Type**

Whipple Creek, a Department of Natural Resources (DNR) Type F (fish-bearing) watercourse in this location, flows through the eastern part of the property. According to CCC 40.440.010(C)(1)(a), a DNR Type F watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ) to protect fish and wildlife habitat. The riparian HCZ extends horizontally outward 200 feet from the ordinary high water mark, or to the edge of the existing 100-year floodplain, whichever is greater. In this instance the riparian HCZ is defined by the 200-foot measurement.

The site is also mapped Non-Riparian Habitat (Urban Natural Open Space), by the Washington Department of Fish and Wildlife (WDF&W). UNOS areas are now referred to as "Biodiversity Areas and Corridors," (BAC). Biodiversity Areas and Corridors are defined as "areas of habitat that are relatively important to various species of native fish and wildlife." Biodiversity areas usually have comparatively high amounts of native vegetation and structural diversity, and are "often isolated or surrounded by highly urbanized lands." Corridors are "... areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, areas identified as biologically diverse... or valuable habitats within a city or UGA..." The boundary of the UNOS/BAC is located along the existing mature forest edge in the south and east portions of the property as delineated on the plat map. The UNOS boundary exceeds the 200-foot riparian HCZ. The boundary is shown in the correct location on the proposed revised site plan (Exhibit 13), although it is incorrectly labeled as "Wetlands Setback" on several of the sheets (A1.0, A1.1, C3).

Under CCC 40.440.020(A)(2)(a), the habitat conservation ordinance (HCO) requires applicants to substantially maintain the level of habitat functions and values that are present on the site. Habitat functions present on the site include, but are not limited to microclimate maintenance, erosion control, pollution filtration, flood attenuation, dead and down woody debris, organic matter and nutrient contributions to the food web, cavity nesting snag habitat, thermal and hiding cover for wildlife, wildlife breeding and dispersal corridors, nesting habitat for resident and migratory (neotropical) birds, and spatial connectivity with other important habitats. Scientific research has shown these remnant forest areas to be increasingly susceptible to urbanization and surrounding land use disturbance. This particular habitat is part of the upper Whipple Creek habitat area, and is considered to be the second-most species rich area in the Vancouver UGA.

### **Finding 2**

There is a significant threat of habitat impacts when placing apartment buildings next to sensitive habitat areas and when incompatible human uses take place within these sensitive areas. Increased human and animal activity has the potential to substantially degrade habitat functionality, which is in conflict with CCC 40.440.020(A)(2)(a). Forms of potential degradation include mowing of native vegetation, planting non-native vegetation, dumping of yard wastes, construction impacts, intrusion into sensitive wildlife areas by pets, and predation and non-point source pollution by pets. "Access management" mitigation measures such as exclusionary fencing, permanent

demarcation and signage of habitat boundaries, site plan notes, and a specifically crafted Conservation Covenant should be adequate to preserve the necessary habitat functionality.

Unimpeded pet access to sensitive wildlife habitat areas is a significant habitat impact. As stated in the Washington Department of Fish and Wildlife's (WDF&W's) Management Recommendations for Washington's Priority Habitats 1997, domestic cats pose a significant threat to bird, reptile, amphibian, and small mammal populations in habitat areas. Over a 1-year period, domestic house cats killed between 3 and 26 million birds, between 27 and 29 million small mammals, and between 3 and 9 million reptiles in one state alone (Mitchell and Beck, 1992). These impacts warrant appropriate measures that preclude pet entry into the habitat areas. Additionally, some form of permanent demarcation of the habitat area for education and awareness purposes is necessary, including signage along the habitat boundary to bolster education and awareness.

Staff suggests that specific language be incorporated in the Habitat Conservation Covenant that would clearly prohibit residents and managers from constructing additional fencing, clearing native vegetation, dumping yard wastes, allowing pets to enter the habitat area, and conducting any other activities in the habitat area with a potential to degrade habitat functionality. Additionally, this covenant language needs to be reiterated as a note on the site plan to notify contractors and owners of the regulatory limitations and their stewardship obligations.

#### Finding 3

The applicant proposes to discharge stormwater via a pipe running through the above-mentioned habitat areas (see Exhibit 13, sheet C2). Installation of such a pipe through these areas can degrade habitat functionality. Staff recognizes that the majority of the vegetation in the location of the proposed stormwater pipe is non-native Himalayan blackberry. Still, forms of potential habitat degradation include, but are not limited to habitat fragmentation through soil compaction and vegetation removal, recolonization of disturbed soils by invasive non-native vegetation, and wildlife displacement from viable ecological niches. As a result, staff has conditioned specific construction practices to be used when placing the stormwater outfall to minimize habitat impacts as required by CCC 40.440.020(A)(2)(b). These conditions are a necessary precaution in order to ensure future compliance with the Habitat Conservation Ordinance and help the applicant avoid the need to apply for a new Habitat Permit at the time of construction.

#### Finding 4

A sanitary sewer line easement is also depicted on the revised site plan (Exhibit 13, sheet C2) through habitat areas, something that also poses degradation potential. Generally, the degradation that could take place for a utility line is similar to that described above. Therefore, a specific condition of approval is necessary to prevent habitat impacts.

A proposed sanitary sewer line easement through the habitat areas was reviewed and approved through the habitat permit HAB2007-00015. At that time the applicant was required to bore the line in without removing any native vegetation, among other conditions. The sewer line as currently proposed is not in the same location as reviewed under HAB2007-00015. Staff finds that the project can be approved if the proposed sewer line is re-located to its original alignment and constructed using techniques reviewed under HAB2007-00015.

#### Finding 5

The revised site plan (Exhibit 13) shows a "Wood Chip Walking Path" within the habitat area. The path appears to be 5 feet wide on the plans. Under Table 40.440.010-1, Line 16, "Clearing as minimally necessary for creating a 4-foot or narrower path using natural, wood-based, or vegetated pervious surfacing in habitat areas" is an exempt activity. The proposed path may qualify for this exemption if these criteria are met.

#### **Conclusion (Habitat):**

Construction of residential apartment buildings near the habitat areas, as well as a stormwater outfall, sewer line, and trail within the aforementioned habitat areas can be permitted, provided specific limitations are placed on the allowed uses and construction practices employed in such areas. Therefore, staff finds the subdivision can comply with CCC Chapter 40.440, provided the following conditions are implemented.

#### **SOUTHWEST CLEAN AIR AGENCY:**

##### Finding 1 – Demolition of Structures

In response to SEPA notice, a letter was received from Southwest Clean Air Agency (SWCAA) on December 17, 2009 (Exhibit 12). The SWCAA letter cites asbestos inspection regulations that apply to demolition or renovation of existing structures. It also states that construction activities have the potential to generate dust nuisances, which are prohibited. Dust abatement measures must be employed as necessary during construction. An Air Discharge Permit is required for any proposed installation or modification that creates any new or increased source of air contaminants.

The County requires permits prior to removal and/or demolition of structures (See Land Use Finding 11 and Conditions A-3 and B-1-c). The demolition permit process will ensure with SWCAA requirements.

##### Finding 2 – Dust Abatement

Dust abatement measures are required during construction. The applicant has been provided with a copy of the SWCAA letter and is separately responsible for compliance with agency requirements. Compliance with the county's Stormwater and Erosion Control Ordinance will mitigate or prevent impacts from dust.

#### **DEPARTMENT OF ECOLOGY:**

##### Finding 1 – Toxic Clean-up

The Washington Department of Ecology (DOE) submitted a letter, dated November 20, 2009 (Exhibit 6). This correspondence states that there are no known contaminated

sites within a half-mile radius of the proposed development site, and advises that “if environmental contamination is discovered on the site it must be reported to Ecology’s Southwest Regional Office.”

The applicant has been provided with a copy of the DOE letter, and is separately responsible for compliance with all state and federal regulations. An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered (See Condition B-4).

#### Finding 2 – Waste Resources

The DOE letter encourages the developer to “consider the principles of smart growth, urbanism and green building in order to reduce the impacts from the development”; most specifically those techniques referenced in the LEED (Leadership in Energy and Environmental Design) for Neighborhood Development rating system. It is also noted that landscaping should incorporate waste prevention measures and the use of organic materials. DOE also recommends using organic debris generated on-site if possible for landscaping.

The developer is also encouraged by DOE to recycle all possible leftover construction, demolition, and land clearing (CDL) materials and reduce waste generated.

The applicant has been provided with a copy of the DOE letter and is encouraged to incorporate the Departments recommendations.

#### Finding 3 – Water Quality

Any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also specifies that “erosion control measures must be in place prior to any clearing, grading or construction” on site and identifies several preventative measures to be taken to ensure such discharge does not occur.” An erosion and dust control plan is required by County Code (See Condition B-16). Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

The DOE letter also notes that the project may require a construction stormwater permit, also known as the National Pollution Discharge Elimination System (NPDES) and State Waste Discharge Permit for Stormwater Discharges Associated with Construction. This permit is required for projects which meet both of the following conditions

- One or more acres of soil surface area will be disturbed by construction activities; and
- The site already has offsite discharge to waters of the state or storm drains or will have offsite discharge during construction.

The applicant has been provided a copy of the DOE letter, and will be required to obtain any permits required. (See Condition G-2)

#### Finding 4 – Water Resources

The proponent is responsible for inspecting the site to determine the location of all existing wells. Any unused wells must be properly decommissioned and decommission reports submitted to Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project. (See Condition B-1-b)

### TRANSPORTATION:

#### Finding #1 – Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposal meets the pedestrian circulation code.

#### Finding #2 – Road Cross-Circulation

NE 179<sup>th</sup> Street is the frontage roadway and classified as an “Urban Principal Arterial”, Pr-4cb. The minimum intersection spacing required by Table 40.350.030-2 of CCC 40.350.030(B) is 600 feet. The frontage of parcel 181956-000 is within 600 feet of the intersection of NE 15<sup>th</sup> Avenue and NE 179<sup>th</sup> Street to the west. The applicant has not proposed a north-south roadway, however, a roadway intersecting with NE 179<sup>th</sup> Street would not meet the minimum 600 feet of intersection spacing required by code. The applicant has instead proposed a temporary full access driveway approach that will provide access to the development from NE 179<sup>th</sup> Street. The applicant has proposed the driveway will become a right-in right-out approach in the future. The full access driveway approach has been proposed through a road modification application. (See *Transportation Finding #3*) The applicant has proposed a primarily east-west roadway, NE 176<sup>th</sup> Street, that will provide access to NE 15<sup>th</sup> Avenue to the west and parcel #117870-000 to the south. The ultimate intersection with NE 15<sup>th</sup> Avenue is in line with a proposed classified road that is to extend west from NE 15<sup>th</sup> Avenue. Circulation to the east does not appear to be feasible due to the presence of Whipple Creek. Where the roadway curves to the south, it shall be moved such that the centerline is aligned with the property line that separates parcels #117870-000 and #117880-000 to the south in order to provide circulation to both parcels. Additionally, the curved road section of roadway shall be designed so that it meets the design criteria of Table 40.350.030-4. (See *Condition #A-18-a*)

#### Finding #3 – Roads

NE 179<sup>th</sup> Street is classified as an “Urban Principal Arterial”, Pr-4cb. The minimum required half-width improvements include 50 feet of right-of-way, 35 feet of paved width, curb, gutter, and detached 6-foot sidewalk and the applicant is responsible for such improvements. (See *Condition #A-18-b*)

To the south, the applicant has proposed partial width improvements for a local residential access roadway including 29 feet of right-of-way and 20 feet of paved with. The applicant is required to move the proposed curve in the road such that the centerline is aligned with the property line that separates parcels #117870-000 and #117880-000. (See *Transportation Finding #2*)

The proposed driveway approaches shall be as consistent as possible with standard drawing F16 or F17. A modified driveway approach is appropriate. Diagrams of turning movements at the driveway approach and on-site shall be provided. (See *Condition # A-18-c*)

#### Road Modifications (EVR2009-00042)

The applicant submitted a road modification dated July 1, 2009 and associated addendum dated December 30, 2009.

The applicant has asked for relief from CCC 40.350.030 (B)(4)(d)(2) which requires a median within NE 179<sup>th</sup> Street.

Public Works' Transportation Program has reviewed the location of the proposed driveway approach to NE 179<sup>th</sup> Street and states the following:

The facts in favor of the 179th Street Apartment temporary full access onto NE 179th Street:

- Crash history along the NE 179th Street frontage is not indicative of a safety issue at this time.
- Corridor Travel Times are at acceptable levels at this time.
- NE 179th Street ultimate cross section is a 5 lane cross section along the proposed development frontage. This includes two lane eastbound, two lanes westbound and a two-way center turn lane, which will ultimately require, or be constructed with, a raised median based on mobility and safety.
- It should be noted that the northbound driveway approach may experience long wait times with a left-turning movement onto NE 179th Street in the PM peak period.

It should also be noted that, at the County's sole discretion, access to the proposed development may be restricted to a right-in/right-out should the County find issues indicative of safety and/or operational problems.

The applicant has provided further justification for allowing a temporary full access location onto NE 179th Street. This justification is as follows:

The applicant has identified three 'trigger' points for the installation of a raised median on NE 179th Street:

1. At the time the NE 179th Street Capital project is constructed, a raised median shall be installed on NE 179th Street to restrict access to right-in-right-out.

2. When left turn lane warrants are met at the site access location on NE 179th Street, a raised median shall be installed on NE 179th Street to restrict access to right-in-right-out.
3. At the time adjacent development constructs the conditioned east/west road connecting to NE 15th Avenue along the 179th Street Apartment development's southern property line, a raised median shall be installed on NE 179th Street to restrict access to right-in-right-out.

The applicant has volunteered to record the conditions of approval so that in the event of a change in ownership the new owner would be responsible for the conditioned mitigation on NE 179th Street.

At the time the NE 179th Street Capital project is constructed, a raised median shall be installed by the county on NE 179th Street to restrict access to right-in-right-out. *(See Condition # A-18-d)*

When left turn lane warrants are met at the site access location on NE 179th Street, a raised median shall be installed by the property owner on NE 179th Street to restrict access to right-in-right-out. *(See Condition # A-18-e)*

At the time adjacent development constructs the conditioned east/west road connecting to NE 15th Avenue along the 179th Street Apartment development's southern property line, a raised median shall be installed by the owner on NE 179th Street to restrict access to right-in-right-out. *(See Condition # A-18-f)*

The applicant shall record a covenant running with the land that requires the property owner comply with the conditions of approval related to the raised median requirement within NE 179<sup>th</sup> Street. *(See Condition # A-18-g)*

Staff believes the applicant has satisfied CCC 40.550.010(A)(1)(c) per the conditions.

In addition the applicant has asked that a section of roadway that is to be included in proposed Phase 2 be allowed to function as a temporary turnaround and replace the temporary turnaround proposed to be a part of Phase 1. Staff agrees with the applicant the proposal can be justified per CCC 40.550.010(A)(1)(c). Once proposed NE 176<sup>th</sup> Street is extended and provides an outlet, a turnaround will not be needed.

#### Finding #4 – Sight Distance

The applicant has submitted a sight distance analysis letter dated August 31, 2009. The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. *(See Condition # A-18-h)*



**Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

**TRANSPORTATION CONCURRENCY:****Finding 1: Trip Generation**

County concurrency staff has reviewed the proposed 179<sup>th</sup> Street Apartments development. This proposed development will consist of multiple apartment buildings comprised of 120 units. The applicant's traffic study has estimated the a.m. peak-hour trip generation of 61 new trips and the p.m. peak-hour trip generation of 74 new trips.

These trip generations were estimated using nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*. The proposed site is located at 1705 NE 179<sup>th</sup> Street Ridgefield, WA.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

**Finding 2: Site Access**

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study analyzed two different scenarios for the site access, a proposed temporary full movement and a permanent right-in/right-out site access, for level of service. The applicant's study indicates that the proposed site access onto NE 179<sup>th</sup> Street will operate at a LOS C and LOS B, respectively in the 2012 build out horizon. Staff concurs with the traffic study findings.

It should be noted that the applicant has submitted a Road Modification Request regarding a median installation on NE 179<sup>th</sup> Street. This request will be addressed under the Transportation heading of the staff report.

**Finding 3: Concurrency Compliance**

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development.

### Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year. Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

### Unsignalized Intersections

County Staff has evaluated the operating levels and standard delays represented in the County's model. The County's model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections.

### Concurrency Corridor

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model of the study corridors of regional significance, under County Jurisdiction, yielded operating levels and travel speeds with an acceptable level of service.

### Summary

The County has determined that this development can comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model. (See Condition A-17).

### **SAFETY:**

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

### Finding 4: Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study analyzed the need for turn lanes at the site access on NE 179<sup>th</sup> Street. The applicant's study concluded that turn lanes are not warranted based on

the turn lane criterion, as found in the WSDOT Design Manual. The County concurs with the applicant's findings.

Finding 5: Sight Distance

Sight distance issues are addressed by Community Development; therefore, this issue will not be addressed here.

**Conclusion (Transportation Concurrency):**

In summary, staff recommends approval of the development application, as proposed, subject to the conditions of approval stated below.

**STORMWATER:**

Finding #1 – Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in section 40.380.030.

The project will create more than 2,000 square feet of new impervious surface and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding #2 – Stormwater Proposal

The applicant proposes to utilize a StormFilters (Contech Stormwater Solutions) for water quality control and detention facilities for the purpose of water quantity control. The existing Gee soils are not suitable for infiltration. The proposed facilities are to be privately owned and maintained.

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 5.0 inches. The 10-year/24-hour storm event precipitation depth is 4.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 3.0 inches.

The applicant shall provide water quality and quantity control for the required frontage improvements associated with NE 179<sup>th</sup> Street. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Condition # A-20-a)

According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume,

velocity, and peak flow rate of stormwater runoff from the project site. Stormwater exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage according to CCC 40.380.040 (C)(1)(d). An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required. (See Condition # A-20-b)

Per CCC 40.380.040 (C)(2)(b), Table III-1.3, SCS Western Washington Runoff Curve Numbers of the BMP Manual shall be used to calculate predevelopment and post-development runoff with the following constraints:

- (1) Predevelopment land use shall be established as the use over the last thirty (30) years which results in the least amount of site runoff, as demonstrated by evidence acceptable to the responsible official. Acceptable evidence may include, but not be limited to thirty (30) year old aerial photos, crop history or tax assessor records. (See Condition # A-20-c)

Per CCC 40.380.040 (H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities. (See Condition # A-20-d)

A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities. (See Condition #A-20-e)

### Finding #3 - Phasing

The applicant is responsible for providing all necessary stormwater improvements required for each individual phase including temporary turnarounds. The design of the required stormwater improvements for each proposed phase will be reviewed during final engineering review. (See Condition # A-20-f)

### **Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

### **FIRE PROTECTION:**

#### Finding #1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

#### Finding #2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific

requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-1)

#### Finding #3 – Fire Flow

Fire flow in the amount of 1,500 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based upon a 30,100 sq. ft. type V-B constructed building with an approved fire sprinkler system installed. (See Conditions A-6-a and B-1-d)

#### Finding #4 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Condition A-6-b)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants. (See Condition A-6-c)

#### Finding #5 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. (See Condition A-6-d)

#### Finding #6 – Access

No road may serve more than one hundred (100) lots or dwelling units unless that road is connected by a second vehicle access to the same "feeder" road at a different location, or to another "feeder" road that functions at a level equal to at least an urban local residential access road or a rural local access road. The second access road may be a county emergency access road only, if it serves less than two hundred (200) lots. (See Condition A-6-f)

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See Condition A-6-g)

#### Finding #7 - Fire Apparatus Turnarounds

A temporary fire apparatus turnaround is required for this application and as indicated meets the Clark County Roads Standards.

#### Finding #8 – Fire Alarm System

An approved fire alarm system is required at the time of construction for buildings in excess of 5,000 sq. ft. and subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (See Condition E-3-a)

#### Finding #9 – Fire Sprinklers

An automatic fire sprinkler is required at the time of construction for buildings in excess of 12,000 sq. ft. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (See Condition E-3-b)

Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. (See Condition E-3-c)

Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. (See Condition E-3-d)

#### **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

#### **WATER & SEWER SERVICE:**

##### Finding #1

##### Finding 1 – Water and Sewer

This development is required to connect to public water and sewer. The site will be served by Clark Public Utilities for water and Clark Regional Wastewater District for sanitary sewer service. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to occupancy of the buildings, the applicant will be required to document that service connections to said building has been approved by the purveyors. (See Condition F-2)

##### Finding #2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been

abandoned, inspected and approved by the Health Department (if applicable). (See Condition A-5)

Finding #3

The existing wells and/or septic systems are proposed to be abandoned. Submittal of an acceptable "Health Department Final Approval Letter" to the county is required as a part of the Final Construction Plan review application. (See Condition A-5).

**Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

**BUILDING:**

Finding #1

1107.7.1.1 states that at least one story containing dwelling units or sleeping units intended to be occupied as a residence shall be provided with an accessible entrance from the exterior of the structure and all units intended to be occupied as a residence on that story shall be Type B units.

Therefore, all units on the first level shall be Type B accessible units and designed to ANSI standard. (See Condition E-4-a)

Finding #2

.303.3 Beveled: Changes in level greater than 1/4 inch (6.4 mm) in height and not more than 1/2 inch (13 mm) maximum in height shall be beveled with a slope not steeper than 1:2.

The main entry door thresholds shall not exceed 1/2-inch. (See Condition E-4-b)

Finding #3

1101.2.10 (ICC A117.1 Section 404.3.5): Control switches. Manually operated control switches shall comply with Section 309, except they shall be placed 32 inches (815 mm) minimum and 40 inches (1015 mm) maximum above the floor. The clear floor space adjacent to the control switch shall be located beyond the arc of the door swing and centered on the control switch.

All manual switches shall be at a maximum height of 40-inches. (See Condition E-4-c)

Finding #4

1004.10: Laundry Equipment: Washing machines and clothes dryers shall comply with Section 1004.10.

1004.10.1: Clear Floor Space: A clear floor space complying with Section 305.3, positioned for parallel approach, shall be provided. The clear floor space shall be centered on the appliance.

The plans indicate that not all laundry room meets this criterion. Ensure that all laundry room on first level meets minimum clear floor space. (See Condition E-4-d)

Finding #5

1004.11: Toilet and Bathing Facilities. Toilet and bathing fixtures shall comply with Section 1004.11.

1004.11.1: Clear Floor Space. Clear floor space required by Section 1004.11.3.1 or

1004.11.3.2: shall comply with Sections 1004.11.1 and 305.3.

The plans must indicate all required clear space requirements at fixtures on first level. (See Condition E-4-e)

Finding #6

1004.12 Kitchens: Kitchens shall comply with Section 1004.12.

1004.12.1 Clearance: Clearance complying with Section 1004.12.1 shall be provided.

Indicate on the plans all clear space requirements in kitchen on plans. (See Condition E-4-f)

Finding #7

1017.1 Construction: Corridors shall be fire-resistance rated in accordance with Table 1017.1.

Common corridors for egress from all levels shall be rated to minimum ¾-hour with sprinklers throughout. (See Condition E-4-g)

Finding #8

[F] 903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

The site shall be sprinkled throughout. (See Condition E-4-h)

Finding #9

502.4.1 Location: Access aisles shall adjoin an accessible route.

The plans show a crosswalk through an ADA access aisle which is not permitted. Either remove or place along side and provide minimum width aisle and crosswalk. (See Condition E-4-i)

*Note: All structures, buildings, and facilities shall be permitted and approved by building safety program. Approval by land use or engineering division does not constitute approval by building safety program.*



## **IMPACT FEES:**

### **Finding #1 Impact Fees**

The additional proposed residences will produce impacts on schools, parks, and roads, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC Subtitle 40.6.

The site is within:

- Ridgefield School District, with a SIF of \$2,314. 00 per dwelling unit
- Park District #10, with a PIF of \$1,120.00 per dwelling unit (\$849.00 for park acquisition / \$321 for park development).
- Mt. Vista subarea with a TIF of \$3,702.52 per dwelling unit

The total amount of impact fees for the 115 proposed multi-family units will be reduced by an amount equal to the impact fees for one single-family dwelling to compensate for the existing residence being removed from the site.

The appropriate amount of impact fees shall be paid prior to issuance of a building permit for each building. (See Condition E-2)

## **SEPA DETERMINATION**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- **MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,**
- **DNS = Determination of Non-Significance (The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 6, 2009 is hereby final.

## **SEPA APPEAL PROCESS:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion is filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 2.51.160; or,
- An appeal with Clark County Superior Court.

**Staff Contact Person:** Terri Brooks, Planner, (360) 397-2375, ext.4885  
Michael Butts, Development Services Manager (360)  
397-2375, ext.4137

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the proposed plan (identified as Exhibit 13), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction/Site Plan Review** **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Site Plan** – The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.320.040 and the following conditions of approval:
- a. Archaeology**  
A note shall be placed on the face of the final construction plans as follows:  
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
  - b.** At least one (1) ADA space shall be provided in a garage. (See Land Use Finding 4)
  - c.** The final site plan shall provide wheel stops located three (3) feet back from the front of the parking stall for parking spaces abutting sidewalks and required landscape buffers in accordance with CCC 40.340.010, A, 10. (See Land Use Finding 4)
  - d.** The applicant shall submit for the project planner's review, a plan identifying the amenities that will be provided within designated common recreation areas. These plans shall contain sufficient detail for Building Safety staff to review for accessibility requirements. (See Land Use Finding 8)
  - e.** The final site plan shall show a minimum of 520 square feet of solid waste and recycling storage area for phase 1 and 565 square foot for phase 2) (See Land Use Finding 10)
- A-2 Final Landscape Plan** - The applicant shall submit, for the project planners review, and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below.
- a.** The final landscape plan shall be revised to include 27 landscape islands meeting the criteria of CCC 40.320.010, E, 3. (See Land Use Finding 5)
  - b.** In accordance with CCC 40.320.010(D)(2), ground-level exterior equipment shall be screened from an abutting residential property or

public road right-of-way to at least an F2 or L3 standard if visible at grade from the said property or right-of-way. (See Land Use Finding 5)

- c. The final landscape plan shall include details of the screening surrounding the solid waste and recycling areas. (See Land Use Finding 10)
- d. The final landscape plan shall include landscaping within the right-of-way for NE 179<sup>th</sup> Street.

**A-3 Demolition Permits** - Prior to demolition and/or removal of structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division. (See Land Use Finding 11)

**A-4** The applicant shall substantiate the traffic study information by submitting a letter from the Ridgefield School District indicating the students will be bussed. (See Land Use Finding 9)

**A-5 Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

**A-6 Fire Marshal Requirements:**

- a. Fire Flow in the amount of 1,500 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based upon a 30,100 sq. ft. type V-B constructed building with an approved fire sprinkler system installed. (See Fire Protection Finding 3)
- b. Fire Hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Fire Protection Finding 4)
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants. (See Fire Protection Finding 4)

- d. Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. (See Fire Protection Finding 5)
- e. Fire Apparatus Turnarounds: - A temporary fire apparatus turnaround is required for this application and as indicated meets the Clark County Roads Standards. (See Fire Protection Finding 7)
- f. No road may serve more than one hundred (100) lots or dwelling units unless that road is connected by a second vehicle access to the same "feeder" road at a different location, or to another "feeder" road that functions at a level equal to at least an urban local residential access road or a rural local access road. The second access road may be a county emergency access road only, if it serves less than two hundred (200) lots. (See Fire Protection Finding 6)
- g. Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide (Street "B") shall be posted "NO PARKING". (See Fire Protection Finding 6)

- A-7 Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.
- A-8** The applicant shall manage access to the habitat area per CCC Chapter 40.440.020(A)(3)(d)(8). Access management shall take the form of permanent demarcation of the habitat boundary that is adequate to deter pet entry and preclude human-associated disturbances in the habitat area. The habitat access management plan shall be submitted for review and approval by the county prior to Final Site Plan Approval.
- A-9** Signage shall be posted along the habitat boundaries at an interval every one hundred (100) feet and be perpetually maintained in such a manner so as to sufficiently identify and protect habitat functionality. Signs shall read "Habitat Conservation Area -- please retain in a natural state. No pet entry."
- A-10** The applicant shall record a Habitat Conservation Covenant protecting the habitat areas on the site. The Habitat Conservation Covenant shall specifically prohibit the construction of additional fencing within the habitat area, the clearing of native vegetation (both dead or alive), the removal of dead or downed woody debris, the dumping of yard wastes, the use of the area by pets, and any other physical alteration of the land that degrades habitat functionality. The covenant shall also require the maintenance of the signage and demarcation along their lots used to protect the perimeter of the habitat area.

- A-11** A note shall be included on the face of the site plan stating "clearing native vegetation, planting non-native vegetation, construction or development of any kind, the dumping of yard wastes, entry by pets, and any other physical alteration of the land determined injurious by the Planning Director, is expressly prohibited as per Conservation Covenant # \_\_\_\_\_ in the habitat area."
- A-12** The habitat line shall be clearly labeled on the face of the Final Site Plan.
- A-13** The applicant shall post signs at 200-foot intervals along the walking path that inform pedestrians and pet owners, "Habitat Conservation Area -- please stay on trail and keep pets leashed."
- A-14** Locations of habitat demarcation and signage shall be clearly identified on the Engineering Construction Plans and Final Site Plan.
- A-15** Any habitat mitigation planting details shall be included on the Engineering Construction Plans set.
- A-16** The sanitary sewer line shall be bored underneath the habitat area in order to prevent habitat impacts. The location and design of the sanitary sewer line shall be consistent with what was approved under HAB2007-00015. With regards to the sanitary sewer line:
- a. The applicant shall implement the engineering plans submitted by Kurahashi and Associates, Inc. and dated October 26, 2006, except as amended herein.
- A-17 Final Transportation Plan/Off Site (Concurrency) –** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000.00.
- A-18 Final Transportation Plan/On-Site -** The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a. Where proposed NE 176<sup>th</sup> Street curves to the south, it shall be moved such that the centerline is aligned with the property line that separates parcels #117870-000 and #117880-000 to the south in order to provide circulation to both parcels. Additionally, the curved road section of roadway shall be designed so that it meets the design criteria of Table 40.350.030-4.
  - b. The minimum required half-width frontage improvements associated with NE 179<sup>th</sup> Street include 50 feet of right-of-way, 35 feet of paved width, curb, gutter, and detached 6-foot sidewalk.
  - c. The proposed driveway approaches shall be as consistent as possible with standard drawing F16 or F17. Diagrams of turning movements at the driveway approach and on-site shall be provided.

- d. At the time the NE 179th Street Capital project is constructed, a raised median shall be installed by the county on NE 179th Street to restrict access to right-in-right-out.
- e. When left turn lane warrants are met at the site access location on NE 179th Street, a raised median shall be installed by the property owner on NE 179th Street to restrict access to right-in-right-out.
- f. At the time adjacent development constructs the conditioned east/west road connecting to NE 15th Avenue along the 179th Street Apartment development's southern property line, a raised median shall be installed by the owner on NE 179th Street to restrict access to right-in-right-out.
- g. The applicant shall record a covenant running with the land that requires the property owner comply with the conditions of approval related to the raised median requirement within NE 179<sup>th</sup> Street.
- h. The applicant shall comply with the sight distance criteria found in CCC 40.350.030(B)(8).

**A-19 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-20 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall provide water quality and quantity control for the required frontage improvements associated with NE 179<sup>th</sup> Street. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.
- b. According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Stormwater exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage according to CCC 40.380.040 (C)(1)(d). An offsite analysis extending a minimum of one-fourth of a mile

downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required.

- c. The proposal shall comply with CCC 40.380.040 (C)(2)(b).
- d. Per CCC 40.380.040 (H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities.
- e. A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities.
- f. The applicant is responsible for providing all necessary stormwater improvements required for each individual phase including temporary turnarounds.

**A-21 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval:

**A-22 Other Required Documents:** – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

(Example: Deed dedicating required right-of-way)

**A-23 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.

<b>B</b>	<b>Prior to Construction of Development Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:



- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,
- a. Prior to construction, demarcation of wetland and/or buffer boundaries shall be established (i.e. sediment fence).
  - b. Prior to site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Health Department.
  - c. Prior to site construction, structures slated for demolitions shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit.
  - d. Prior to construction, fire flow in the amount of 1,500 gallons at 20 psi per minute supplied for 2 hours duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final site plan approval.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.
- B-4** With the exception of the stormwater outfall and sanitary sewer line, no clearing, grading, or development activities shall occur within the forested habitat areas. This includes no clearing or grading (cuts or fills) within the dripline of protected trees without a certified arborists report stating the construction activities will not jeopardize tree survival.
- B-5** Temporary demarcation of the habitat boundaries shall be installed prior to commencement of groundbreaking activities.
- B-6** As proposed by the applicant, installation of the stormwater outfall pipe within the habitat area shall be above-ground and done primarily by hand, and minimize vegetation removal.
- B-7** All work shall be performed above the ordinary high water mark of the creek.

- B-8** The applicant shall show the limits of the construction staging areas in relation to surveyed trees on the face of the engineering plans, and stake the limits of the work area prior to construction.
- B-9** No native trees or shrubs shall be removed with the installation of the stormwater outfall or the sanitary sewer line. If native shrubbery is within the limits of the installation area, said vegetation shall be hand-pruned as necessary to create a viable work space.
- B-10** The applicant shall properly stabilize and mulch all denuded soils and if necessary, replant exposed soils with native vegetation after completion of the project.
- B-11** All rip-rap located at the discharge point of the stormwater outfall shall be covered with jute matting and willow staked in order to blend with the surrounding habitat area.
- B-12** Any plantings around the stormwater outfall and erosion control seed mixes shall be installed immediately after completion of the outfall project.
- B-13** The sanitary sewer line shall be bored underneath the habitat area in order to prevent habitat impacts. The location and design of the sanitary sewer line shall be consistent with what was approved under HAB2007-00015. With regards to the sanitary sewer line:
  - a. The applicant shall implement the engineering plans submitted by Kurahashi and Associates, Inc. and dated October 26, 2006, except as amended herein.
- B-14** All trails within the habitat areas shall be constructed by hand, minimize vegetation clearing to at most low growing shrubs, be a maximum of 4-feet in width, require no grading, and consist of a dirt or wood chip base.
- B-15** Any changes to the development layout or preliminary stormwater plans causing greater habitat impacts than what is approved herein will be the subject of additional review and possible mitigation under a new Habitat Permit.
- B-16 Department of Ecology** - The developer shall be alert for possible contamination during construction and shall report any contamination discovered to Department of Ecology's Southwest Regional Office. (See Department of Ecology Finding 2)

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

**C-1 Verification of the Installation of Required Right-of-way Landscape**

Prior to the issuance of an approval of occupancy for a site plan, the applicant shall provide verification in accordance with Section 40.320.030(B) that the required right-of-way landscape has been installed in accordance with the approved landscape plan(s).

**D Final Plat Review & Recording**

**Review & Approval Authority: Development Engineering**

Prior to final plat approval and recording, the following conditions shall be met:

**D-1 Not Applicable**

**E Building Permits**

**Review & Approval Authority: Customer Service**

Prior to issuance of a building permit, the following conditions shall be met:

**E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

**E-2 Impact Fees** – Prior to issuance of a building permit, the applicant shall pay Impact fees to the Clark County Building Department in the following amounts, based on the number of residential units in the building:

- School Impact Fee of \$2,314.00 per dwelling unit (Ridgefield School District)
- Park Impact Fee of \$1,120.00 per dwelling unit (Park District #10)
- Traffic Impact Fee of \$3,702.52 per dwelling unit (Mt. Vista subarea)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (See Impact Fees Finding 1)

PROVIDED; the total amount payable for the first building permit shall be reduced by one to compensate for the existing single-family residence being removed from the site.

**E-3 Fire Marshal Requirements:**

- a. An approved fire alarm system is required at the time of construction for buildings in excess of 5,000 sq. ft. and subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office.

- b. An automatic fire sprinkler is required at the time of construction for buildings in excess of 12,000 sq. ft. Such systems require separate reviews, permits and approvals issued by the fire marshal's office.
- c. Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems.
- d. Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC.

**E-4 Building Safety** - Construction plans shall be submitted for review and approval. Based on preliminary review of the site plan, the following items shall be addressed on said construction plans:

- a. All units on the first level shall be Type B accessible units and designed to ANSI standard. (See Building Safety Finding 1)
- b. The main entry door thresholds shall not exceed ½-inch. (See Building Safety Finding 2)
- c. All manual switches shall be at a maximum height of 40-inches. (See Building Safety Finding 3)
- d. Ensure that all laundry room on first level meets minimum clear floor space. (See Building Safety Finding 4)
- e. The plans must indicate all required clear space requirements at fixtures on the first level. (See Building Safety Finding 5)
- f. Indicate on the plans all clear space requirements in kitchen on plans. (See Building Safety Finding 6)
- g. Common corridors for egress from all levels shall be rated to minimum ¾ hour with sprinklers throughout. (See Building Safety Finding 7)
- h. The buildings shall be sprinkled throughout. (See Building Safety Finding 8)
- i. Either remove the crosswalk through the ADA access aisle or place along the side and provide minimum width aisle and crosswalk. (See Building Safety Finding 9)

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

**F-1 Land Use and Critical Areas:**

- a. Landscaping: Prior to the issuance of an approval of occupancy for final site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.
- b. All paving and striping in all proposed parking areas shall be completed as per the approved site plan.
- c. All stormwater facilities shall be completed, inspected and approved by Clark County.

**F-2** Prior to occupancy of the buildings, the applicant will be required to document that water and sewer service connections to said building has been approved by the Clark Public Utilities and Clark Regional Wastewater Agency. (See Utilities Finding 1)

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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**G-1 Site Plans and Other Land Use Approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

**G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

**G-3 Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of

the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

- G-4 Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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- H-1 Outdoor Lighting** – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.

- H-2** All required landscaping shall be maintained. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections and driveways.

<b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b>
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### **Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on January 8, 2010. Therefore any appeal must be received in this office by January 22, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:

- That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
- The specific aspect(s) of the decision being appealed;
- The reasons why each aspect is in error as a matter of fact or law;
- The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

**Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

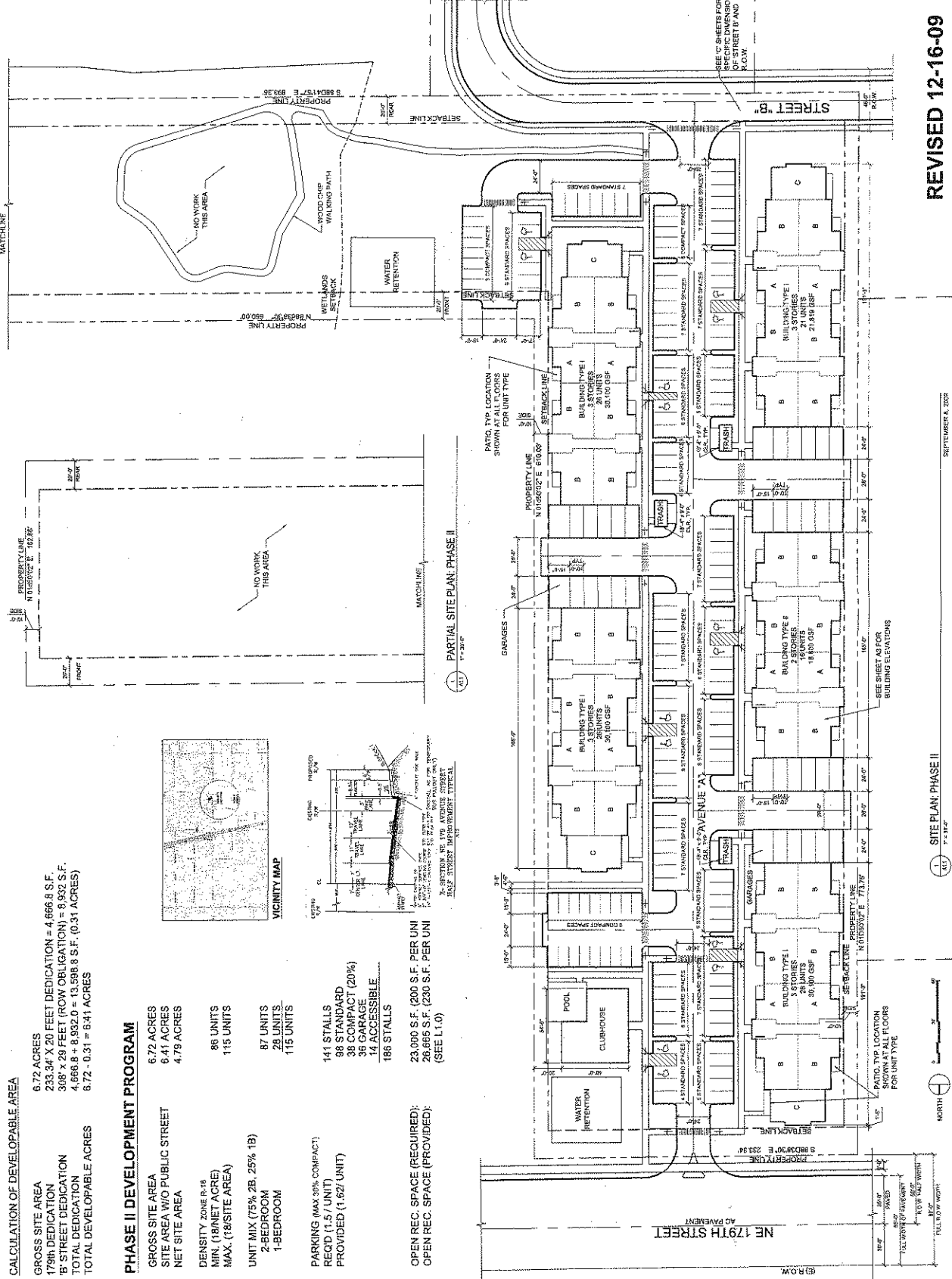
**For Staff Only:**

<b>Final Plans Required with Construction Plans</b>	<b>YES</b>	<b>NO</b>
Final Site Plan	√	
Final Landscape Plan:		
-On-site landscape plan	√	
-Right-of-way landscape plan*	√	
Final Wetland Plan		√
Final Habitat Plan		√

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.







REVISED 12-16-09

SEPTEMBER 1, 2009

1 SITE PLAN PHASE II  
A1.1

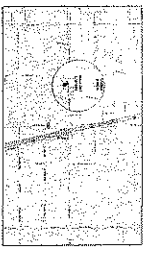
CALCULATION OF DEVELOPABLE AREA

GROSS SITE AREA 6.72 ACRES  
233.34' X 20 FEET DEDICATION = 4,666.8 S.F.  
179th DEDICATION 308' X 29 FEET (ROW OBLIGATION) = 8,932 S.F.  
TOTAL DEDICATION 4,666.8 + 8,932.0 = 13,598.8 S.F. (0.31 ACRES)  
TOTAL DEVELOPABLE ACRES 6.72 - 0.31 = 6.41 ACRES

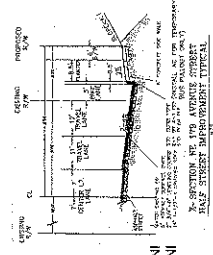
PHASE II DEVELOPMENT PROGRAM

GROSS SITE AREA 6.72 ACRES  
SITE AREA W/O PUBLIC STREET 6.41 ACRES  
NET SITE AREA 4.79 ACRES  
DENSITY ZONE R-15  
MIN. (18/NET ACRE) 115 UNITS  
MAX. (18/SITE AREA) 115 UNITS  
UNIT MIX (75% 2B, 25% 1B)  
2-BEDROOM 87 UNITS  
1-BEDROOM 28 UNITS  
TOTAL 115 UNITS  
141 STALLS  
98 STANDARD  
38 COMPACT (20%)  
36 GARAGE  
14 ACCESSIBLE  
186 STALLS  
23,000 S.F. (200 S.F. PER UNIT)  
26,665 S.F. (230 S.F. PER UNIT)  
(SEE L1.0)

OPEN REC. SPACE (REQUIRED):  
OPEN REC. SPACE (PROVIDED):



VICINITY MAP



PARTIAL SITE PLAN: PHASE II

